BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 12.8.702 through 12.8.709)	AMENDMENT
pertaining to primitive fishing access)	
sites)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

- 1. On November 27, 2013, the Department of Fish, Wildlife and Parks (department) proposes to amend the above-stated rules.
- 2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than September 20, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, PO Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.
- 3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:
- <u>12.8.702 PRIMITIVE FISHING ACCESS SITES IN REGION 1</u> (1) The following sites are designated as primitive fishing access sites within Region 1:
 - (a) Ashley Creek:
 - (b) Beaver Lake;
 - (c) through (e) remain the same but are renumbered (a) through (c).
 - (f) Frank Lake;
 - (g) remains the same but is renumbered (d).
 - (h) Loon Lake-Eureka;
 - (i) remains the same but is renumbered (e).
 - (i) Marle Lake;
 - (k) Marlowe Springs;
 - (I) remains the same but is renumbered (f).
 - (m) Moran Lake;
 - (n) Savage Lake;
 - (o) remains the same but is renumbered (g).
 - (p) Spring Creek;
 - (q) (h) Swan River;
 - (r) Whitefish.

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 <u>23-1-102</u>, MCA

- <u>12.8.703 PRIMITIVE FISHING ACCESS SITES IN REGION 2</u> (1) The following sites are designated as primitive fishing access sites within Region 2:
 - (a) Aunt Molly;
 - (b) through (d) remain the same but are renumbered (a) through (c).
 - (d) Forest Cooper;
 - (e) Forks:
 - (f) Harry Morgan;
 - (e) K.Ross Toole:
 - (f) Kohrs Bend;
 - (g) through (i) remain the same.
 - (i) River Junction;
 - (i) Schwartz Creek;
 - (k) Scotty Brown Bridge;
 - (k) Thibodeau;
 - (I) Tamarack Creek;
 - (I) (m) Turah;
 - (m) Whitaker Bridge.

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 <u>23-1-102</u>, MCA

- 12.8.704 PRIMITIVE FISHING ACCESS SITES IN REGION 3 (1) The following sites are designated as primitive fishing access sites within Region 3:
 - (a) remains the same.
 - (b) Axtell Bridge;
 - (c) remains the same but is renumbered (b).
 - (c) Brogan's Landing;
 - (d) remains the same.
 - (e) Cherry River;
 - (f) and (g) remain the same but are renumbered (e) and (f).
 - (h) Corwin Springs;
 - (i) Dewey;
 - (i) Erwin Bridge;
 - (k) Fairweather;
 - (I) Four Corners;
 - (g) George Grant Memorial;
 - (m) through (o) remain the same but are renumbered (h) through (j).
 - (p) High Road;
 - (g) through (v) remain the same but are renumbered (k) through (p).
 - (w) Meadow Lake;
 - (x) Milwaukee;
 - (y) through (ae) remain the same but are renumbered (q) through (w).
 - (af) Sappington Bridge:
 - (ag) Shed's Bridge;
 - (ah) remains the same but is renumbered (x).
 - (ai) Tizer Lakes:
 - (aj) remains the same but is renumbered (y).

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 <u>23-1-102</u>, MCA

12.8.705 PRIMITIVE FISHING ACCESS SITES IN REGION 4 (1) The following sites are designated as primitive fishing access sites within Region 4:

- (a) through (h) remain the same.
- (i) Mid-Canon;
- (j) and (k) remain the same but are renumbered (i) and (j).
- (I) Table Rock;
- (m) through (o) remain the same but are renumbered (k) through (m).

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 23-1-102, MCA

<u>12.8.706 PRIMITIVE FISHING ACCESS SITES IN REGION 5</u> (1) The following sites are designated as primitive fishing access sites within Region 5:

- (a) and (b) remain the same.
- (c) Big Rock;
- (d) through (f) remain the same but are renumbered (c) through (e).
- (g) General Custer;
- (h) Grant Marsh;
- (i) and (j) remain the same but are renumbered (f) and (g).
- (h) South Hills;
- (k) Two Leggins.
- (i) Weymiller.

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 23-1-102, MCA

- <u>12.8.707 PRIMITIVE FISHING ACCESS SITES IN REGION 6</u> (1) The following sites are designated as primitive fishing access sites within Region 6:
 - (a) remains the same.
 - (b) Cole Ponds;
 - (c) and (d) remain the same but are renumbered (b) and (c).

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 23-1-102, MCA

12.8.708 PRIMITIVE FISHING ACCESS SITES IN REGION 7 (1) The following sites are designated as primitive fishing access sites within Region 7:

- (a) Amelia Island;
- (b) through (e) remain the same but are renumbered (a) through (d).
- (f) Joe's Island (adjacent to Intake FAS);
- (g) Little Powder River;
- (h) Myers Bridge;
- (i) Powder River Depot;

(j) and (k) remain the same but are renumbered (e) and (f).

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 <u>23-1-102</u>, MCA

12.8.709 DEVELOPMENTS AND IMPROVEMENTS ALLOWED AT FISHING ACCESS SITES (1) through (1)(d) remain the same.

- (e) no latrine unless necessary for health and sanitation reasons as determined by the regional park fishing access site manager or the local county sanitarian. Replacement latrines shall be allowed at all sites where latrines presently exist;
 - (f) through (j) remain the same.

AUTH: 87-1-301 <u>23-1-102</u>, MCA IMP: 87-1-301 <u>23-1-102</u>, MCA

REASON: The department is updating the rules for primitive access fishing sites due to the need to correct some of the site names, remove some sites that the department no longer owns, add new sites that have been purchased since the adoption of these rules in 1999, and remove some sites due to improvements that have been made or will be made to address public use patterns.

- 4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Montana Department of Fish, Wildlife and Parks, Attn: Primitive FAS Rule, PO Box 200701, Helena, Montana, 59620-0701; fax (406) 444-4952; or e-mail csperry@mt.gov, and must be received no later than October 11, 2013.
- 5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Charlie Sperry at the above address no later than October 11, 2013.
- 6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 based on the number of Montana recreationists.
- 7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and

specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, PO Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

- 8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.
- 9. With regard to the requirements of Chapter 318, Section 1, Laws of 2013, the department has determined that the adoption of the above-referenced amendments will not significantly and directly impact small businesses.

/s/ M. Jeff Hagener
M. Jeff Hagener
Director
Fish, Wildlife, and Parks

/s/ Aimee Fausser Aimee Fausser Rule Reviewer

Certified to the Secretary of State August 26, 2013.